

AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 7, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-23671 - APPLICANT/OWNER: GLADYS FLORES

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend DENIAL.

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-23672) and a Variance (VAR-23673) shall be required.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the building elevations date stamped: 8/22/07 and the site plan and landscape plan date stamped: 9/07/07, except as amended by conditions herein.
4. A Waiver from Title 19.12 is hereby approved, to allow:
 - a. No landscaping along a 22-foot portion of the front property line and,
 - b. A 14-foot wide landscape buffer along a 65-foot portion the east property line.
5. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
6. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed. .
7. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
10. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
11. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
12. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

13. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. A pan style driveway is acceptable.
14. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
15. This site will be subject to the traffic signal impact fee as required by Ordinance No. 5644 at the time permits are issued.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Site Development Plan Review to convert the existing 1,660 square foot, two-story Single Family Dwelling located at 1650 South Eastern Avenue into a Professional Office. The applicant has requested a Waiver to allow no landscape buffer along a 22-foot portion of the front property line and to allow a 14-foot wide landscape buffer along a 65-foot portion of the west property line where Title 19.12 requires a 15-foot wide buffer adjacent to the right-of-way.

Due to the incompatible layout of the existing structure for an Office use, staff is recommending denial of this Site Development Review Request and the affiliated Rezoning (ZON-23672) and Variance (VAR-23673) requests.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
5/17/06	The City Council approved a request (GPA-12043) to amend a portion of the Southeast Sector Plan of the General Plan from the SC (Service Commercial) and L (Low Density Residential) General Plan Land Use Designation to the O (Office) General Plan Land Use Designation on 30.15 acres covering multiple APNs. Planning Commission and Staff recommended approval.
09/27/07	<p>The Planning Commission recommended denial of companion items ZON-23672 and VAR-23673 and struck VAR-23674 from the agenda concurrently with this application.</p> <p>The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #33/mh).</p>
<i>Related Relevant City Actions Fire, Bldg., Code Enf., etc.</i>	
7/23/04	Code Enforcement Case #18842: Permit and sign violations. Case resolved 9/14/04
12/30/04	Code Enforcement Case #24819: Rental house does not have hot water/ heat, roof leaks, bathroom clogged –owner won’t fix. Case resolved 5/03/05
5/19/05	Code Enforcement Case #30219: Outside trash and debris, multiple garage sales, junk in bank yard. Case resolved 6/01/05.
7/18/05	Code Enforcement Case #32568: Trash and debris, vacant house smells terrible. Case resolved 7/25/05
5/02/06	Code Enforcement Case #40788: Complaint of electric saw and pounding until midnight –noise nuisance. Case resolved 5/18/06.
10/03/06	Code Enforcement Case #46610: People come to the house to periodically fix cars behind the house with men keeping watch at the front of the property. Case resolved 10/11/07.

<i>Related Building Permits/Business Licenses</i>	
5/09/07	Building Permit #83403: Service upgrade from 125 amp to 225 amp.
<i>Pre-Application Meeting</i>	
8/09/07	A pre-application meeting was held with staff to discuss the requirements to convert an existing 2-story, 1,660 square foot single family residence to a Professional Office Building.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Field Check</i>	
9/07/07	<p>A field check was carried out by Planning and Development Staff with the following observations noted:</p> <ul style="list-style-type: none"> ▪ An existing two-story single family dwelling. ▪ Site access is limited to Howard Avenue ▪ Building is surrounded by asphalt with little to no landscaping ▪ The parking area has limited space and is accessible only from Howard Avenue. ▪ Second-story has windows facing towards both protected properties to the north and west.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.15 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single Family Residence	(Office)	R-1 (Single Family Residence)
North	Single Family Residence	(Office)	R-1 (Single Family Residence)
South	Office	(Office)	P-R (Professional Office and Parking)
East	ROW/ Office	O (Office)	P-R (Professional Office and Parking)
West	Single Family Residence	L (Low Density Residential)	R-1 (Single Family Residence)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	NA
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	NA
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.050, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Width	60 feet	65 feet	Y
Min. Setbacks			
• Front	20 feet	30 feet	Y
• Side	5 feet	8 feet	Y
• Corner	15 feet	14 feet	N*
• Rear	15 feet	31 feet	Y
Max. Lot Coverage	50%	25%	Y
Max. Building Height	Lesser of 2 stories or 35 feet	22 feet	Y
Mech. Equipment	Screened from view	Not shown	N**

**Per Title 19.08.050(C)3, a development in the P-R District which is a conversion from an existing residential structure may maintain the existing setbacks.*

***Condition of Approval #8 requires that all mechanical equipment be screened from public view.*

Pursuant to Title 19.12, the following standards apply:

<i>Landscaping and Open Space Standards</i>				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 Tree/ 6 Spaces	1 Tree	1 Tree	Y
Buffer:				
Min. Trees	1 Tree/ 20 Linear Feet	15 Trees	21 Trees	Y
TOTAL			21 Trees	Y
Min. Zone Width	15 feet along ROW And 8 Feet along interior lot		0 feet along Howard Avenue	N*
Wall Height	6 Feet		6 feet (existing)	Y

**Waivers from the Title 19.12 Landscape and Buffer Standards have been requested with this Site Development Review.*

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Office	1,660 SF	1:300 GFA	6	1	1	1	N
SubTotal			6		2		
TOTAL (including handicap)			6		2		N*

**A Variance (VAR-23673) to allow two parking spaces where 6 are required accompanies this request.*

<i>Waivers</i>		
<i>Request</i>	<i>Requirement</i>	<i>Staff Recommendation</i>
No landscape buffer along a 22-foot portion of the front property line	15-foot wide landscape buffer	Denial
A four-foot wide landscape buffer along a 65-foot portion of the west property line	15-foot wide landscape buffer	Denial

ANALYSIS

- Zoning/Land Use**

Although the proposed Office Use conforms to the General Plan Land Use Designation of O (Office), the proposed site plan does not conform to the regulations of the P-R (Limited Commercial) Zoning District as the applicant has requested a Variance from the parking requirements as listed in Title 19.04 and Waivers from the Title 19.12 Landscape and Buffer Standards.

- Site Plan**

The site plan shows a total of 1,600 square feet of proposed office development in a two-story building. The building is oriented towards Howard Avenue and is positioned up to the -foot setback from the streets.

Two parking spaces are located at the front of the building. Proposed vehicular access into the site will be from Howard Avenue, off of Eastern Avenue.

- **Variances and Waivers**

A Variance to allow two parking spaces where six are required (VAR-23673) accompanies this Site Development Plan Review. Additionally, a Waiver of the Title 19.12 perimeter landscape buffer standards has been requested with this application request to allow no landscaping along a 22-foot portion of the front line and to allow a 14-foot wide buffer along a 65-foot portion of the west property where a minimum 15-foot wide buffer is required.

- **Landscape Plan**

The applicant has requested Waivers to the Title 19.12 Landscape and Buffer Standards as the provided landscape plan does not conform to the minimum landscape buffer widths. The applicant has, however, proposed an ample amount of 24"-box trees of three separate species. 21 trees planted at 20-foot intervals (or less) are shown on the provided landscape plan.

- **Elevation**

The building elevations show a two-story building with a gabled roof and partial dormer facing north, with windows facing the neighboring protected properties on north and west sides. Although the building is an existing residential building, the elevations for the conversion to commercial property are incompatible to the existing development around the site.

- **Floor Plan**

The floor plan shows typical to this type of use. The interiors show that the floor area will be divided into individual rooms for various uses. A key concern is the utilization of the upper floor with fenestration oriented towards both affected protected properties to the north and the west.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **The proposed development is compatible with adjacent development and development in the area;**

Although a proposed office use is compatible with both the O (Office) General Plan Land Use Designation and the proposed P-R (Professional Office and Parking) zoning district, staff finds that the existing residential structure is not physically suitable for the proposed Office use. This proposal requires the prior approval of a Variance to allow two parking spaces where six are required.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The proposed Office use of the development is consistent with the General Plan; however, the site development does not comply with multiple sections of the Title 19 Zoning Ordinance. A Variance (VAR-23673) for insufficient parking and Waivers to the Title 19.12 Landscape standards have been requested.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

The proposed office will access the site from Howard Avenue, classified as a Local Street with a 50-foot wide right-of-way, from Eastern Avenue, designated as a Primary (100-foot) Arterial on the Master Plan of Streets and Highways.

As a general note, Public Works would always prefer to see adjacent property owners work together to present multi lot conversions with common access drives and common parking areas wherever possible.

4. **Building and landscape materials are appropriate for the area and for the City;**

The applicant has proposed no new building materials for the office conversion of the existing residential structure. Although the applicant has requested Waivers to the Title 19.12 Landscape requirements, the applicant has proposed adding 21 additional 24"-box Palo Verde, Plum, and Pine trees and over 30 five-gallon shrubs located around the building to the site.

5. **Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

The applicant has not proposed any significant changes for the conversion of the existing residential structure to a professional office structure. The upper floor office area has windows facing both the affected single family residence to the west and the single family residence to the north. Staff finds that the height, layout, and proposed utilization of the second story office space are neither harmonious nor compatible with the adjacent protected properties.

Additionally, a Variance to allow only two parking spaces where six spaces are required will create an off-site parking burden on Howard Avenue, a residential street.

6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

The development will be subject to inspections, and appropriate measures will be taken to protect the public health, safety and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 12

SENATE DISTRICT 10

NOTICES MAILED 434 by Planning Department

APPROVALS 0

PROTESTS 0